

1 same. The numbers in the table appear to be the same. And in
2 the table in Mr. Honig's exhibit the top is cut off, so we
3 don't see the words "employment report" --

4 MR. HONIG: Okay.

5 JUDGE STEINBERG: -- and then the dates.

6 MR. HONIG: Well, if it's going to go in --

7 JUDGE STEINBERG: It's in -- well, I'm not going to
8 say it's in. It will be in.

9 MR. HONIG: Is, is it going to be -- I mean
10 representation that it will be offered, I'll withdraw this.
11 Okay. That's easy.

12 JUDGE STEINBERG: So 25 is withdrawn.

13 MR. HONIG: Yes.

14 (Whereupon, the document referred to
15 as NAACP Exhibit No. 25 was withdrawn
16 as evidence.)

17 JUDGE STEINBERG: I mean you're not going to object
18 to it when, when Ms. --

19 MR. HONIG: Oh, goodness no.

20 JUDGE STEINBERG: Okay.

21 MR. HONIG: I want it in. Okay.

22 JUDGE STEINBERG: Then maybe, maybe the Church will
23 withdraw it.

24 MR. HONIG: Then I'll re-offer it.

25 JUDGE STEINBERG: Only joking.

1 MR. HONIG: Okay. Would you place please NAACP
2 Exhibit 32 before the witness? Now --

3 MS. SCHMELTZER: Thirty-two, okay, that's -- you
4 want to read through those --

5 MR. HONIG: Your Honor, let me explain what this is.
6 This is an exhibit that I assembled which consists of all of
7 the information produced in discovery relative to any person
8 who was identified as having been hired as a salesperson. So
9 it's all different types of forms of paper for I think it's 11
10 or so salespeople which we then assembled in alphabetical
11 order.

12 Now Mr. Stortz, what I'd like to do is go through
13 this exhibit with you and ask you for each person, and the
14 reason I put in all this paper is to help, is to have you have
15 the most expansive set of material available possible to help
16 you in your answer. And for each person, I'd like you to go
17 through it and tell me whether they, whether they were hired
18 in part because they have any classical music experience or
19 expertise. And if so, point to your source for that.

20 JUDGE STEINBERG: If, if --

21 MS. LADEN: I'm sorry. What's the exhibit --

22 MR. HONIG: Pardon me?

23 MS. LADEN: The exhibit --

24 MR. HONIG: Exhibit 32.

25 MS. LADEN: Thank you.

1 JUDGE STEINBERG: If you know.
2 WITNESS: Okay.
3 JUDGE STEINBERG: Do -- okay, why don't you read the
4 names.
5 MR. HONIG: Okay.
6 JUDGE STEINBERG: We'll do one at a time.
7 MR. HONIG: Sure. Charlotte Akin.
8 WITNESS: And the question is was she hired because
9 she had classical music experience?
10 JUDGE STEINBERG: Was --
11 MR. HONIG: Was that one --
12 JUDGE STEINBERG: In whole, yeah.
13 MR. HONIG: -- was that one, one factor in the
14 decision to hire her?
15 WITNESS: Well, I'll have to qualify it by saying
16 that I did not hire her.
17 MR. HONIG: You aware whether she has any -- had any
18 classical music experience?
19 WITNESS: Well, I see she interned at KWMU which is
20 an MPR radio station in St. Louis playing classical music.
21 She had at least exposure to it.
22 MR. HONIG: Now you're speaking on page 4 where it
23 says compiled, wrote, edited and casted late night weekend
24 news broadcast. Is that your reference?
25 WITNESS: Yes.

1 MR. HONIG: Okay.

2 JUDGE STEINBERG: There's also a reference on page 3
3 to KWMU-FM as under previous employment.

4 WITNESS: Also at the station below that, KBIA,
5 Columbia, Missouri, compiled and programmed classical and jazz
6 music programs. So I can't say for sure if she was hired in
7 part because of her knowledge of classical music. But she had
8 exposure to classical music.

9 BY MR. HONIG:

10 Q All right. Now Beverly Joanne Brandt which is page
11 7 of this exhibit, that's the only piece of paper we have on
12 her.

13 A I -- for her I don't know. I can't answer the
14 question.

15 Q Okay. Irwin Michael Bressler which is page 8 of the
16 exhibit. And that's the only paper we have on him.

17 A Mr. Bressler I knew personally. I knew that he had
18 knowledge of classical music whether or not it was -- once
19 again, I did not hire him.

20 Q Do you know whether that knowledge preceded or
21 followed his hire at the station?

22 A I'm, I'm sure it preceded his hiring at the station.

23 Q Sharisse Bush which is pages 9 through 11.

24 A Sharisse Bush came to the station on her own,
25 because she had this desire to work at KFUD-FM which was her

1 favorite radio station because of its format so --

2 Q But, but other than it being her favorite radio
3 station, do you know whether she had any particular classical
4 music experience?

5 A In what way?

6 Q Knowledge, education, other than just being a
7 listener.

8 A Well, she definitely had a knowledge of classical
9 music as a, as a path of interest anyway.

10 Q You mean insofar as she was a listener that was the
11 source of it. Is that your testimony?

12 JUDGE STEINBERG: To the best of his knowledge I
13 guess. Right?

14 WITNESS: Yeah. That would be correct.

15 MR. HONIG: Okay. Bernard or Bernhard Hentze? Am I
16 pronouncing that right?

17 WITNESS: Hentze.

18 MR. HONIG: Hentze.

19 JUDGE STEINBERG: H-E-N-T-Z-E.

20 BY MR. HONIG:

21 Q And that's the only paper we have on him.

22 A Right. Did he have classical music experience?

23 Q Yes.

24 A He was interviewed by me. I know that he was a St.
25 Louis Symphony supporter. So I considered him to have

1 | classical music experience and knowledge.

2 | Q When you say supporter, do you mean contributed to
3 | it or --

4 | A I can't remember if he was a season ticket holder or
5 | an attendee. But he indicated to me that he knew about
6 | classical music during the interview.

7 | Q Now the next person I'm only going to ask one
8 | question which is just about her classical music experience
9 | and nothing else. And that is Jan Hutchinson.

10 | JUDGE STEINBERG: This is the Jan Hutchinson --

11 | MR. HONIG: It's the same Jan Hutchinson.

12 | JUDGE STEINBERG: Okay. Same individual.

13 | MR. HONIG: Yeah. But I want to emphasize that's
14 | the only question --

15 | JUDGE STEINBERG: Fine.

16 | MR. HONIG: -- I'm going to ask.

17 | WITNESS: The question is?

18 | BY MR. HONIG:

19 | Q The question is before she was hired did she have
20 | classical music experience?

21 | A Before she was hired by KFUD radio?

22 | Q Yes. Yes.

23 | A By KFUD radio?

24 | Q Yes. I, I know where you're going.

25 | A Should I go there or not?

1 Q You can go there. I'll fix it.

2 A All right. She had worked at the station for a year
3 and a half or two years before being transferred to the
4 station's payrolls. She worked for a, our national rep. firm.
5 So she clearly was familiar with the format of the radio
6 station.

7 Q What about before she worked for the national rep.
8 firm?

9 A Did she have classical music experience? I don't
10 know. I, I didn't hire her.

11 Q And, and her working for the national rep. firm was
12 work that she did for the station before she became an
13 employee. Isn't that right?

14 A That's right.

15 Q Okay. Tom Koon? This is pages 14 through 16.

16 A I don't know whether or not Mr. Koon had classical
17 music radio experience.

18 Q Judith McMurtry, page 17?

19 A I, I do not know.

20 Q Carolyn Miller, page 18?

21 A I do not know.

22 Q Cari Perez, pages 19 through 21?

23 (Pause.)

24 A As I recall, Cari Perez worked for the classical
25 music station in Miami. And --

1 Q WTMI?

2 A WTMI and wanted to -- and she moved to St. Louis.

3 So she had -- clearly she had background in working at

4 classical radio.

5 Q Do you know what she did at WTMI?

6 A I believe she was a salesperson.

7 Q Okay, but other than having worked for a classical

8 station, do you know whether she had any -- as a salesperson,

9 do you know whether she had any knowledge or background in

10 classical music itself?

11 A No, I, I don't know what her background was prior to

12 that.

13 Q Bob Thompson, the applicant, not the lawyer.

14 A I do not know.

15 Q Okay. Glynelle Wells? Pages 23 through 25?

16 A Glynelle Wells had some classical background. It's

17 indicated on her resume under education.

18 Q And she was the sales, local sales manager, isn't

19 that right?

20 A She became the local sales manager.

21 Q Frank Wood?

22 A Frank Wood also I believe it was -- I'm not -- he

23 worked at a station that played classical music at some point

24 in his life.

25 Q Do you know what he did there?

1 A I don't, I don't know if it was an NPR station or
2 not.

3 Q You don't know what he did there?

4 A I, I don't recall off the top of my head what he did
5 there.

6 MR. HONIG: Okay. Okay. Your Honor, I'd like to
7 move Exhibit 32 into evidence.

8 MS. SCHMELTZER: No objections.

9 JUDGE STEINBERG: Ms. Laden?

10 MS. LADEN: I -- no objection --

11 JUDGE STEINBERG: Exhibit 32 is received.

12 (Whereupon, the document referred to
13 as NAACP Exhibit No. 32 was received
14 into evidence.)

15 MR. HONIG: Okay. Would you turn next to NAACP
16 Exhibit 35?

17 WITNESS: Okay.

18 MR. HONIG: Now this has already been received. My
19 question for you is could you look through the position guides
20 here and tell me whether these position guides were posted on
21 the bulletin board about which you testified?

22 JUDGE STEINBERG: Now there -- didn't Mr. Stortz
23 testify that they were posted both at the station and Church
24 headquarters?

25 MS. SCHMELTZER: Well, Your Honor, I'm not sure

1 that's been fully established. I think the testimony before
2 was about job notices. And I'm not sure that this is a job
3 notice.

4 JUDGE STEINBERG: Okay. Let me -- I think that
5 needs to be clarified. Were --

6 MR. HONIG: Sure.

7 JUDGE STEINBERG: -- were things -- when job
8 vacancies occurred, were things posted on the bulletin board
9 at the station?

10 WITNESS: Yes. But, but not --

11 JUDGE STEINBERG: Okay, wait. We'll leave it at
12 that.

13 WITNESS: Okay.

14 JUDGE STEINBERG: When job vacancies occurred, were
15 things posted someplace at Church headquarters?

16 WITNESS: During the last half of the period.

17 JUDGE STEINBERG: Okay, a bulletin board? Or
18 someplace else?

19 WITNESS: I'm not for sure where they posted, in the
20 human resource area.

21 JUDGE STEINBERG: Okay. So now we know that there
22 are two places that things could have been. And I -- you
23 noticed that I don't -- his testimony does not tell me what
24 they were, etc., and that -- isn't that where you're going?

25 MR. HONIG: Yes.

1 JUDGE STEINBERG: Where -- okay.

2 MR. HONIG: Okay.

3 JUDGE STEINBERG: So I think you have to ask about
4 the two places.

5 BY MR. HONIG:

6 Q Okay. Well, then for each question, forgive me,
7 this is going to be a little compound, could you tell me
8 whether these position guides were posted at the station
9 bulletin board and at the Church headquarters.

10 A For a job opening?

11 Q These --

12 A Or just in general?

13 Q In general. These, these physical documents here.
14 Regardless of whether there was an opening and they posted, or
15 just were they posted?

16 A No.

17 Q As to both places.

18 A I don't believe job position descriptions are
19 posted, no. Without a job opening.

20 Q If there was a job opening would these position
21 descriptions have been posted?

22 A It was the normal practice to do that, yes.

23 Q Okay. Now could you look at NAACP Exhibit 36?

24 A Okay.

25 Q Okay. Same question.

1 A This document 36 is an administration manual which
2 was given to the staff and disseminated that way. It wasn't
3 posted on a bulletin board.

4 Q All right. But I'm speaking of the individual
5 position guides which appear to be updates of the, of, and in
6 some cases some new ones, in the same, of the same type of
7 document as those in Exhibit 35 about which you've just
8 testified. You see the first page says Administration Manual,
9 7/82, revised 2/1/84?

10 A Right.

11 Q Right. Now were these documents, not the manual
12 itself, but the, the individual documents, if there was a job
13 open posted on either bulletin board?

14 A I believe so, yes.

15 Q Okay. Would you turn next then to NAACP Exhibit 37?
16 You with me?

17 A Yes.

18 Q Okay. Same question.

19 A Memo to the board of directors?

20 Q Yes.

21 A No. This, this is a memo to the board of directors.

22 Q Okay. What about page 4 of that exhibit, Exhibit
23 37?

24 A Would it have been posted?

25 Q Yes.

1 A No.

2 Q What was the purpose of page 4 in re business
3 manager? What was that used for?

4 (Pause.)

5 A You want me to give it my best shot?

6 MS. SCHMELTZER: No.

7 MR. HONIG: Yes --

8 MS. SCHMELTZER: We don't want -- no, we don't want
9 him to speculate.

10 JUDGE STEINBERG: Do you know?

11 WITNESS: I have an idea. But I can't say for 100
12 percent certainty.

13 MR. HONIG: Are you pretty sure?

14 WITNESS: There's no date on it. That makes it --

15 MR. HONIG: It's -- it is the next numbered document
16 in document production immediately following the, the first
17 three pages of this exhibit. And I believe was at least
18 associated with it in the, in the files.

19 MS. SCHMELTZER: There's no name. There's no date.
20 And we produced things that -- but, you know, in the order we
21 found them. But when the documents were actually physically
22 attached to each other we don't know in all cases.

23 MR. HONIG: I know. No? Do you --

24 WITNESS: Want me to give it my best shot?

25 MR. HONIG: Yes.

1 JUDGE STEINBERG: Well, yeah. Try. If -- but
2 this -- it's with the understanding this may or may not be
3 accurate.

4 MR. HONIG: I, I know. We'll see --

5 JUDGE STEINBERG: And it will be, it will be
6 weighed --

7 MR. HONIG: -- we won't know until we hear it.

8 JUDGE STEINBERG: It will be weighed that way.

9 MS. SCHMELTZER: I think, I think Reverend Devantier
10 may have better knowledge about this --

11 COURT REPORTER: I need you -- you're not getting on
12 the tape. I need you to -- into the mike --

13 MS. SCHMELTZER: I, I think Reverend Devantier may
14 have better knowledge about this specific document.

15 MR. HONIG: All right. Well, hold on just a second.
16 Well, to move things along I'm -- if you don't mind I'm going
17 to withdraw the question and ask Reverend Devantier that
18 question tomorrow. Okay.

19 BY MR. HONIG:

20 Q Exhibit 39. Same question.

21 A I'm sorry. The question is --

22 Q The question is were any of -- if there was a job --
23 if there was a position open, would any of these duty
24 descriptions in Exhibit 39 have been posted on either bulletin
25 board?

1 A In all likelihood, yes.

2 Q All right.

3 A Could I, could I expand on that just a little bit?

4 Q Sure.

5 A Positions were apparently created -- positions were

6 on the flow chart, and position descriptions were apparently

7 created to fill those positions or to describe the duties of

8 those positions. Sometimes those positions were never filled

9 for budgetary reasons or they never, they never --

10 Q Sure. That wouldn't have --

11 A -- used --

12 Q -- affected the posting on the bulletin board.

13 A (No audible response.)

14 MS. SCHMELTZER: --

15 MR. HONIG: Okay. Exhibit --

16 JUDGE STEINBERG: Okay. We, we had a nod, but we

17 didn't have a word.

18 MS. SCHMELTZER: Yeah, I didn't like the answer.

19 JUDGE STEINBERG: Yeah, I don't know what the answer

20 was.

21 WITNESS: Right.

22 MR. HONIG: Okay. That was a yes.

23 JUDGE STEINBERG: If you had a vacancy, and you

24 didn't have the money to fill it, your testimony seems to be

25 saying that you still posted something. Did you mean to say

1 that?

2 WITNESS: No, no. I didn't mean that at all.

3 JUDGE STEINBERG: Okay. That's the way I heard you.

4 WITNESS: The station has position charts and boxes.
5 Sometimes those positions are not filled. But position
6 descriptions are developed for those positions.

7 MR. HONIG: The, the position -- when I say a job
8 vacancy I'm referring then to positions which ultimately came
9 to be reflected in table which is found in your testimony at
10 exhibit --

11 JUDGE STEINBERG: Talking about table 3?

12 MR. HONIG: -- 6.

13 JUDGE STEINBERG: No. Oh, you're talking about tab
14 6.

15 MR. HONIG: Tab 6.

16 JUDGE STEINBERG: Attachment 6.

17 MR. HONIG: That's, that's right.

18 JUDGE STEINBERG: Okay.

19 MR. HONIG: That's right. Okay. I appreciate the
20 clarification. Okay, Exhibit 40, same question.

21 WITNESS: The question is was it posted --

22 MR. HONIG: Yes.

23 WITNESS: -- on the bulletin board?

24 JUDGE STEINBERG: The, these duty descriptions. If
25 a vacancy occurred which was going to be filled.

1 WITNESS: This position was never filled. The same
2 person holds that position today. So this position would have
3 never been posted.

4 JUDGE STEINBERG: That's manager of business
5 affairs? Then you see in subsequent pages there are other
6 positions.

7 MR. HONIG: I mean if there was a position open.

8 JUDGE STEINBERG: Yeah.

9 BY MR. HONIG:

10 Q Which ultimately -- which was open and funded and
11 you're going to get filled.

12 A Positions were posted if open.

13 Q Okay. All right. So your answer on 40 is yes.

14 A To the best of my knowledge.

15 Q All right. Exhibit 41, same question.

16 (Pause.)

17 A To the best of my knowledge if the positions were
18 open.

19 Q All right. Exhibit 48. You have it there?

20 A Yes.

21 Q You okay?

22 A Yes.

23 Q Now --

24 JUDGE STEINBERG: If you're running out of steam,
25 let me know. Because you know, it's not my job to torture

1 you. It's my job to torture the attorneys.

2 WITNESS: Well, if we can finish it --

3 JUDGE STEINBERG: And I think I'm doing that
4 successfully, and it's one of the enjoyable parts of the job.
5 Let the record reflect humor which least, least Reverend
6 Devantier is laughing.

7 UNIDENTIFIED SPEAKER: Let the record reflect --

8 MR. HONIG: I agree.

9 JUDGE STEINBERG: Okay.

10 MR. HONIG: All right. Exhibit 48, first, did you
11 prepare Exhibit 48?

12 WITNESS: Yes.

13 MR. HONIG: These were your own thoughts upon
14 contemplating the petition to deny that you apparently had,
15 had just received?

16 WITNESS: Yes.

17 MR. HONIG: Okay. I would move Exhibit 48 into
18 evidence.

19 MS. SCHMELTZER: On what basis? I mean just the
20 fact that these are his thoughts after contemplating the
21 decision is not, doesn't make it relevant evidence.

22 MR. HONIG: Your Honor, this establishes the
23 witness's state of mind concerning the in his own words
24 concerning the EEO program upon first seeing the challenge to
25 it from the NAACP. And I think is thus a very credible

1 document manifesting how this witness perceived the station's
2 EEO compliance.

3 There is a lot of evidence that's been allowed in
4 concerning the, concerning the witness's beliefs as they're
5 stated here in direct testimony. I think this is appropriate
6 rebuttal for those statements. Because this is the
7 contemporaneous of his, his, not only his beliefs but his, his
8 specific impressions and beliefs.

9 JUDGE STEINBERG: Mrs. Laden?

10 MS. LADEN: Your Honor, I would like to ask a couple
11 questions on voir dire if that's okay.

12 Mr. Stortz, what --

13 JUDGE STEINBERG: Please keep your voice up.

14 MS. LADEN: What was the purpose of this document?

15 WITNESS: When the original petition to deny came, I
16 wasn't for sure how the, the procedure was handled. I thought
17 perhaps originally that such a document would be an official
18 reply. I also for information for our attorney, Ms. Cranberg,
19 so that she would know what the feeling was. So it, it was
20 kind of a two-prong thing, one which proved to be wrong, that
21 it wasn't sufficient for a response. And then it did provide
22 Ms. Cranberg with some, with some information.

23 MS. LADEN: Thank you. Your Honor, I would have no
24 objection.

25 JUDGE STEINBERG: Objection is overruled. Exhibit

1 No. 48 is received.

2 (Whereupon, the document referred to
3 as NAACP Exhibit No. 48 was received
4 into evidence.)

5 BY MR. HONIG:

6 Q Would you turn please to Exhibit 50?

7 (Pause.)

8 A All right.

9 Q Did you prepare this document?

10 A I believe I prepared it with Paula Zika, yes.

11 Q And was this your writing or your typing?

12 A I, I believe it was my typing. I believe it's
13 Paula's writing.

14 Q Why was it prepared?

15 A It was a -- not a date on it. It was a working copy
16 for something that was finally prepared for submission.

17 MR. HONIG: Okay. Now Your Honor, I'm not going to
18 offer it at this time. I'm going to offer it together with
19 one that immediately follows it. So you could set aside No.
20 50 for one moment. And I'd like to now have you turn your
21 attention to 51.

22 JUDGE STEINBERG: Fifty-one was rejected.

23 MR. HONIG: I know. And -- but what I'm going to do
24 is now make the effort to, to get it admitted by asking the
25 witness questions.

1 JUDGE STEINBERG: Okay.

2 MR. HONIG: Yeah.

3 JUDGE STEINBERG: I said you could use it for cross-
4 examination.

5 MR. HONIG: Yeah. Now if you could turn --

6 (Pause.)

7 MR. HONIG: In order to make sense of this most
8 easily, I'm going to ask you to put this side by side with
9 another document that's in your testimony. And that document
10 is your tab -- oh, goodness. It's the opposition to the
11 petition to deny which is tab 7. And --

12 JUDGE STEINBERG: Church Exhibit 4, attachment 7.

13 MR. HONIG: Uh-huh. The table which begins on page
14 26 of tab 7. Now first, did you, did you prepare the material
15 in NAACP Exhibit 51?

16 WITNESS: To the best of my knowledge, if I didn't
17 actually type it I helped get the information.

18 MR. HONIG: All right. And you, you faxed it to
19 Marcia Cranberg on February 15, 1990.

20 WITNESS: Okay.

21 MS. SCHMELTZER: The witness said okay.

22 BY MR. HONIG:

23 Q Oh, I'm sorry. I didn't hear you. You said yes?

24 A Yes.

25 Q Okay. Now take a look at page 26 of your tab 7 and

1 page 6 of Exhibit 51.

2 A Okay.

3 Q And look at the entries for Ken Lombardi. Read both
4 of them carefully.

5 (Pause.)

6 A Okay.

7 Q Now there you will notice that at the end of the,
8 the, of the entry in Exhibit 51 which was your, your work, you
9 state no minorities applied. At the end of the entry on, in
10 tab 7, it says, "None of the five was a minority (race of
11 others submitting resumes cannot be determined)". Now would
12 you explain how that substantive change occurred?

13 A The first document that 07 --

14 JUDGE STEINBERG: Okay. He's talking about NAACP
15 Exhibit --

16 WITNESS: Fifty-one.

17 JUDGE STEINBERG: -- 51, page 6.

18 WITNESS: Right. Was prepared as a document. And
19 then apparently it was updated that race could not be -- race
20 of others submitting resumes cannot be determined. Because
21 indeed upon thinking about that I didn't know for sure.

22 MR. HONIG: Now are you saying you, you updated it
23 or you changed it?

24 WITNESS: Well, I would have updated it with our
25 attorney, yes, Ms. Cranberg.

1 MR. HONIG: Now look at the entry which occurs on
2 page 8 of Exhibit 51 for Cari Perez. And the --

3 MS. SCHMELTZER: You mean page 8 of your number
4 page?

5 MR. HONIG: Yes. And then the, the corresponding
6 entry is on page 28 of tab 7 of Mr. Stortz's declaration.

7 WITNESS: Okay.

8 MR. HONIG: Okay. There you will see that in, in
9 your draft of February 15th, you state, "Walk in. Three women
10 candidates interview from resumes. Cari Perez chosen. Draft
11 was filed with the Commission said resume on file. Three
12 women candidates interviewed." Now would you explain how this
13 change occurred?

14 MS. SCHMELTZER: Which -- what change are you
15 referring to --

16 JUDGE STEINBERG: Okay. The --

17 MR. HONIG: The change --

18 JUDGE STEINBERG: -- one says -- one Exhibit 51,
19 page 8 says walk in.

20 MS. SCHMELTZER: Um-hum.

21 JUDGE STEINBERG: Exhibit -- appendix -- attachment
22 7, page 28 says resume on file.

23 MS. SCHMELTZER: Okay.

24 MR. HONIG: Yes.

25 MS. SCHMELTZER: I think that's change he's

1 referring to not the whole -- because you asked for the
2 current --

3 JUDGE STEINBERG: Right. That's what you're
4 referring to.

5 MR. HONIG: That is exactly what I'm referring to
6 and there are --

7 JUDGE STEINBERG: Okay.

8 MR. HONIG: -- two or three others that have -- or
9 more than that actually that have the same change from walk-in
10 to, which turned in, which became resume on file.

11 JUDGE STEINBERG: Oh, Bob Thompson is another one.

12 MR. HONIG: Pardon me?

13 JUDGE STEINBERG: Bob Thompson is another one on
14 that same page.

15 MR. HONIG: Tom Koon and Bob Thompson, and there are
16 some others.

17 WITNESS: Well, people walked in and left their
18 application or resume. So the resume is on file.

19 MR. HONIG: Right. But when a resume is on file,
20 that could have come from a walk in, or it could have come
21 from job recruitment or affirmative action or, or anywhere,
22 isn't that right?

23 WITNESS: Yes.

24 MR. HONIG: As well as a walk-in.

25 WITNESS: Correct.

1 MR. HONIG: All right. So in reading the word walk-
2 in in it's normal meaning, that has a different meaning than
3 resume on file, doesn't it?

4 MS. SCHMELTZER: Well, I think counsel is putting in
5 his own characterization. I think we should rephrase the
6 question.

7 MR. HONIG: But I don't want to hear counsel
8 testify. I want to hear the witness testify.

9 MS. SCHMELTZER: Well, I'm objecting.

10 JUDGE STEINBERG: Well, why don't you just ask
11 instead of -- it's sort of -- not argue, you're going to start
12 arguing. Just ask what he means by walk-in and what he means
13 by resume on file. If they mean -- if the things mean
14 different things.

15 MS. SCHMELTZER: I'm also going to object on, Your
16 Honor, that this is in the nature of discovery.

17 JUDGE STEINBERG: Well --

18 MR. HONIG: No, it's not.

19 JUDGE STEINBERG: We, we have the objection. It's
20 been sustained. And you can rephrase the question.

21 MR. HONIG: All right.

22 JUDGE STEINBERG: And this, this is decent cross-
23 examination.

24 MR. HONIG: Do you, do you understand that --

25 JUDGE STEINBERG: Well, just ask him what he